

FCC MAIL SERVICE

Before the
Federal Communications Commission
Washington, DC 20554

DEC 16 5 24 PM '03

In the Matter of)

Request for Review)

Ticonderoga Central School District)
Ticonderoga, New York)

File No. SLD-308909

Schools and Libraries Universal Service)
Support Mechanism)

CC Docket No. 02-6

ORDER**Adopted: December 15, 2004****Released: December 15, 2004**

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. The Telecommunications Access Policy Division has under consideration a Request for Review filed by Ticonderoga Central School District, Ticonderoga, New York (Ticonderoga).¹ Ticonderoga seeks review of a decision by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator) denying Ticonderoga's Funding Year 2002 application for discounted services under the schools and libraries universal service support mechanism on the grounds that Ticonderoga violated the Commission's competitive bidding requirements.² For the reasons set forth below, we deny Ticonderoga's Request for Review.

2. In its Request for Review, Ticonderoga states that it inserted the wrong signature date on its Funding Year 2002 FCC Form 471 application.³ Specifically, Ticonderoga states that it entered "January 11, 2002" in Block 6 of the Form 471, when the form actually was signed on or after January 14, 2002.⁴ The record shows that the allowable contract date for the establishing FCC Form 470 was January 14, 2002.⁵

¹ Letter from William Dodd, Ticonderoga Central School District, to Federal Communications Commission, filed April 9, 2003 (Request for Review). Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Universal Service Administrative Company (Administrator) may seek review from the Commission. 47 C.F.R. 54.719(c).

² Letter from Schools and Libraries Division, Universal Service Administrative Company, to William Dodd, Ticonderoga Central School District, March 6, 2003 (Administrative Decision on Appeal).

³ Request for Review. *See also* FCC Form 471, Ticonderoga Central School District, filed January 16, 2002.

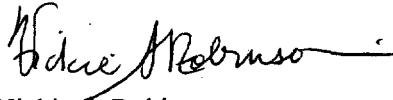
⁴ *Id.*

⁵ *See* FCC Form 470, Ticonderoga Central School District, posted December 17, 2001. *See also* 47 C.F.R. § 54.504(b), (c) (providing that applicants must file with the Administrator, for posting on its website, the Form 470 requesting services and wait 28 days after posting before entering into an agreement with a service provider for the requested services and submitting the FCC Form 471).

3. On March 6, 2003, SLD denied Ticonderoga's funding request, finding that Ticonderoga's application did not comply with the competitive bidding requirements that FCC Forms 470 be posted on SLD's website for 28 days prior to signing or submitting the corresponding FCC Form 471.⁶ After reviewing the record, we affirm SLD's denial of Ticonderoga's funding request and deny the instant Request for Review. A signature date on an FCC Form 471 or on a service provider agreement that predates the expiration of the 28-day posting period indicates that the applicant failed to wait 28 days before entering into an agreement with a service provider and therefore violated the Commission's competitive bidding rules.⁷ The Wireline Competition Bureau (Bureau) has consistently denied requests for review by applicants that have violated the Commission's competitive bidding rules by signing the FCC Form 471 or service provider agreement before the allowable contract date.⁸ The Bureau has also concluded that it is administratively necessary to require applicants to be responsible for providing complete and accurate information on their FCC Form 471 applications.⁹

4. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Request for Review filed by Ticonderoga Central School District, Ticonderoga, New York, on April 9, 2003, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION



Vickie S. Robinson
Deputy Chief, Telecommunications Access Policy Division
Wireline Competition Bureau

⁶ Administrative Decision on Appeal.

⁷ 47 C.F.R. §§ 54.504(b), (c); § 54.511; Instructions for Completing the Schools and Libraries Universal Service, Services Ordered and Certification Form, FCC Form 471, OMB 3060-0806 (October 2000). *See also Request for Review by Minor High School, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-139210, CC Docket Nos. 96-45 and 97-21, Order, 15 FCC Rcd 13790, 13792 (Com Car. Bur. 2000).

⁸ *See, e.g., Request for Review by Currituck County Schools, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-111040, CC Docket Nos. 96-45 and 97-21, Order, 15 FCC Rcd 5564 (2000); *Request for Review by Gustine Independent School District, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-108651, CC Docket Nos. 96-45 and 97-21, Order, 15 FCC Rcd 8489 (Com. Car. Bur. 1999).

⁹ 47 C.F.R. § 54.504 *et seq.*; *see also Request for Review by South Barber Unified School District 255, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-158897, CC Docket Nos. 96-45 and 97-21, Order, 16 FCC Rcd 18435 (Com. Car. Bur. 2001).